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REMARKS

Applicant wishes to thank the Examiner for considering the present application. In the Office Action dated July 19, 2002, claims 9-23 are pending in the application. Claims 14-23 have been restricted from the application. Claims 9-13 stand rejected. Applicant respectfully requests the Examiner for reconsideration.

Claims 9-13 stand rejected under the judicially created doctrine of double patenting over claims 1-5 of U.S. Patent 6,225,109. A terminal disclaimer is filed herewith to overcome this rejection.

Claims 9-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Soane* (6,176,962). Applicant respectfully traverses.

For a proper §102 rejection, each and every element of the claims must be found in the reference. Applicant respectfully submits that each and every element of claims 9 and 10 are not found in the *Soane* reference. Claim 9 is directed to an analysis device that has a housing, one glass slide member positioned within the housing, and an elastomer member that is positioned within the housing wherein the housing urges the elastomer member into a sealing arrangement with a glass slide member. The elastomer member has at least one channel thereon, at least one inlet port, and at least one outlet port so that materials entering the inlet port are transported through the device and channel and out through the outlet port.

The *Soane* reference illustrates a microchannel structure having a base plate that is taught being formed of a polymethylmethacrylate. This material does not

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and can not be an elastomer. This material is a rigid/hard material that requires an additional sealing member. This is taught in the several examples set forth in the *Soane* reference. In each of the examples, some way of sealing is provided. This is the first difference between the *Soane* reference and the present invention.

Another difference between the *Soane* reference and the present invention is the lack of a housing. As recited in claim 9, the housing is used to urge the elastomer member into sealing arrangement with the glass slide.

Yet another difference between the *Soane* reference and the present invention is the lack of an elastomer member that has at least one inlet port, one outlet port, and a channel therethrough. The *Soane* reference has channels formed in the base member which is not an elastomer member as mentioned above. Any fluids are provided through the cover as shown in Fig. 5 by reference numerals 22, 24, 26, and 28. Therefore, no elastomer member is provided having an inlet, outlet, and channel therethrough.

Claim 10 is dependent on claim 9 and is believed to be allowable for the same reasons set forth above. Applicant respectfully requests reconsideration of claims 9 and 10.

Claims 11, 12, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Soane* as disclosed above and in further view of *Wolk* (6,322,683). Applicant respectfully traverses.

The *Soane* reference has several disadvantages as described above. Claims 11, 12, and 13 are further limitations of claim 9. The *Wolk* reference is similar to the *Soane* reference in that a base plate has a plurality of channels etched thereon. A

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cover plate with inlets is coupled to the base plate 12 as shown in Fig. 1. The *Wolk* reference has many of the same drawbacks as the *Soane* reference. Namely, the *Wolk* reference does not include a housing, or an elastomer member that is positioned in the housing. The *Wolk* reference also does not include an elastomer member having an inlet port, an outlet port, and a channel thereon. It is important to note that the seal of the device and the inlet ports and outlet ports and the channel are all formed in the elastomer member. Col. 3, lines 20-25, describe the device having a bottom portion 12 that comprises a solid substrate that is substantially planar in structure and has at least one substantially flat upper surface. Although the substrate material may be PDMS as described in line 51 of Col. 3, no teaching or suggestion is provided for inlets and outlets as well as a channel therethrough in an elastomer member as recited in the present invention. Therefore, even if the *Wolk* reference and the *Soane* references are combined, no housing or elastomer member configured as recited in claim 1 is found. Therefore, applicant respectfully requests the Examiner for reconsideration of claims 11, 12, and 13.

In light of the above remarks, applicant submits that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Please charge any fees associated with this amendment to Deposit Account 50-0476.

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Respectfully submitted,



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